

ERIC A. SEITZ
ATTORNEY AT LAW
A LAW CORPORATION

ERIC A. SEITZ 1412
GINA SZETO-WONG 10515
JONATHAN M.F. LOO 10874
KEVIN A. YOLKEN 10987
820 Mililani Street, Suite 502
Honolulu, Hawai‘i 96813
Telephone: (808) 533-7434
E-Mail: eseitzatty@yahoo.com
szetogina@gmail.com
jloo33138@yahoo.com
kevinyolken@gmail.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

ANTHONY CHATMAN, FRANCISCO
ALVARADO, ZACHARY
GRANADOS, TYNDALE MOBLEY,
and JOSEPH DEGUAIR, individually
and on behalf of all others similarly
situated,

Plaintiffs,
vs.

MAX N. OTANI, Director of State of
Hawai‘i, Department of Public Safety,
in his official capacity,

Defendant.

CIVIL No. 21-00268 JAO-KJM

PLAINTIFFS’ RULE 16
SCHEDULING CONFERENCE
STATEMENT; CERTIFICATE
OF SERVICE

Rule 16 Conference:

Date: July 12, 2021
Time: 9:00 a.m.
Magistrate Judge: Hon. Kenneth
J. Mansfield

Judge: Hon. Jill A. Otake
(Trial: None)

PLAINTIFFS’ RULE 16 SCHEDULING CONFERENCE STATEMENT

Plaintiffs ANTHONY CHATMAN, FRANCISCO ALVARADO, ZACHARY GRANADOS, TYNDALE MOBLEY, and JOSEPH DEGUAIR, (hereinafter “Plaintiffs”), by and through their undersigned attorneys, hereby submit the following Scheduling Conference Statement pursuant to Rule 16 of the Federal Rules of Civil Procedure and Rule 16.2 of the Local Rules of Practice of the United States District Court for the District of Hawai‘i (“LR”).

I. STATEMENT OF THE CASE

Plaintiffs bring this class action lawsuit seeking declaratory and injunctive relief on behalf of all pre-trial and post-conviction inmates housed in State of Hawai‘i, Department of Public Safety (“DPS”) facilities. Plaintiffs allege that Defendant has demonstrably failed to mitigate the risks of contracting COVID-19 in its facilities, thereby unreasonably placing inmates in its custody at risk of serious illness and death associated with COVID-19. Despite numerous devastating and uncontrolled outbreaks prior to the instant litigation, Defendant has failed to implement and enforce even basic policies and practices recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19 within correctional institutions.

The conditions of confinement as alleged violate the Plaintiffs’ rights protected by the Eighth and Fourteenth Amendments to the United States Constitution. Plaintiffs seek declaratory and injunctive relief and request the

appointment of a special master to make findings and recommendations to the Court as appropriate.

II. STATEMENT OF JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

III. JURY DEMAND

No jury demand has been made in this case.

IV. DISCOVERY DISCLOSURES

The parties have not yet made initial disclosures. Plaintiffs will provide initial disclosures as required by the rules, or as agreed upon between the parties.

V. DISCOVERY PROGRESS AND MOTIONS PENDING

No discovery has taken place at this time. On June 8, 2021, Plaintiffs filed a Motion for Preliminary Injunction and Temporary Restraining Order [ECF No. 6], and on June 22, 2021, Plaintiffs filed a Motion for Provisional Class Certification [ECF No. 20]. A video teleconference hearing for both motions will be conducted on July 8, 2021 at 11:00 a.m.

VI. SPECIAL PROCEDURES

Pursuant to 18 U.S.C. § 3626 and/or Rule 53 of the Federal Rules of Civil Procedure, Plaintiffs request the appointment of a special master.

VII. RELATED CASES

None.

VIII. ADDITIONAL MATTERS

None.

DATED: Honolulu, Hawai‘i, July 2, 2021.

/s/ Kevin A. Yolken

ERIC A. SEITZ

GINA SZETO-WONG

JONATHAN M.F. LOO

KEVIN A. YOLKEN

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one copy of the within was duly served on July 2, 2021, via CM/ECF to the following at the e-mail addresses listed below:

SKYLER G. CRUZ, ESQ.
KENDALL J. MOSER, ESQ.
Deputy Attorneys General
Department of the Attorney General, State of Hawaii
425 Queen St.
Honolulu, Hawai‘i, 96813

Skyler.g.Cruz@hawaii.gov
Kendall.J.Moser@hawaii.gov

DATED: Honolulu, Hawai‘i, July 2, 2021.

/s/ Kevin A. Yolken
ERIC A. SEITZ
GINA SZETO-WONG
JONATHAN M.F. LOO
KEVIN A. YOLKEN

Attorneys for Plaintiffs